

## § 15.70

## 6 CFR Ch. I (1–1–07 Edition)

the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Department shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with a disability receive the benefits and services of the program or activity.

### § 15.70 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of disability in programs and activities conducted by the Department.

(b) The Department shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1614.

(c) All other complaints alleging violations of section 504 may be sent to the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, Washington, DC 20528. The Officer for Civil Rights and Civil Liberties shall be responsible for coordinating implementation of this section.

(d)(1) Any person who believes that he or she has been subjected to discrimination prohibited by this part may by him or herself, or by his or her authorized representative, file a complaint. Any person who believes that any specific class of persons has been subjected to discrimination prohibited by this part and who is a member of that class or the authorized representative of a member of that class may file a complaint.

(2) The Department shall accept and investigate all complete complaints over which it has jurisdiction.

(3) All complete complaints must be filed within 180 days of the alleged act of discrimination. The Department may extend this time period for good cause.

(e) If the Department receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to

the appropriate entity of the Federal government.

(f) The Department shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with disabilities.

(g)(1) Not later than 180 days from the receipt of a complete complaint over which it has jurisdiction, the Department shall notify the complainant of the results of the investigation in a letter containing:

(i) Findings of fact and conclusions of law;

(ii) A description of a remedy for each violation found; and

(iii) A notice of the right to appeal.

(2) Department employees are required to cooperate in the investigation and attempted resolution of complaints. Employees who are required to participate in any investigation under this section shall do so as part of their official duties and during the course of regular duty hours.

(3) If a complaint is resolved informally, the terms of the agreement shall be reduced to writing and made part of the complaint file, with a copy of the agreement provided to the complainant. The written agreement shall describe the subject matter of the complaint and any corrective action to which the parties have agreed.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant not later than 60 days after receipt from the Department of the letter required by paragraph (g)(1) of this section. The Department may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Officer for Civil Rights and Civil Liberties, or designee thereof, who will issue the final agency decision which may include appropriate corrective action to be taken by the Department.

(j) The Department shall notify the complainant of the results of the appeal within 30 days of the receipt of the appeal. If the Department determines that it needs additional information

## Office of the Secretary, DHS

## § 17.100

from the complainant, it shall have 30 days from the date it received the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended for an individual case when the Officer for Civil Rights and Civil Liberties determines that there is good cause, based on the particular circumstances of that case, for the extension.

(l) The Department may delegate its authority for conducting complaint investigations to other Federal agencies and may contract with nongovernment investigators to perform the investigation, but the authority for making the final determination may not be delegated to another agency.

### **PART 17—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

#### **Subpart A—Introduction**

Sec.

- 17.100 Purpose and effective date.
- 17.105 Definitions.
- 17.110 Remedial and affirmative action and self-evaluation.
- 17.115 Assurance required.
- 17.120 Transfers of property.
- 17.125 Effect of other requirements.
- 17.130 Effect of employment opportunities.
- 17.135 Designation of responsible employee and adoption of grievance procedures.
- 17.140 Dissemination of policy.

#### **Subpart B—Coverage**

- 17.200 Application.
- 17.205 Educational institutions and other entities controlled by religious organizations.
- 17.210 Military and merchant marine educational institutions.
- 17.215 Membership practices of certain organizations.
- 17.220 Admissions.
- 17.225 Educational institutions eligible to submit transition plans.
- 17.230 Transition plans.
- 17.235 Statutory amendments.

#### **Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited**

- 17.300 Admission.

- 17.305 Preference in admission.
- 17.310 Recruitment.

#### **Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited**

- 17.400 Education programs or activities.
- 17.405 Housing.
- 17.410 Comparable facilities.
- 17.415 Access to course offerings.
- 17.420 Access to schools operated by LEAs.
- 17.425 Counseling and use of appraisal and counseling materials.
- 17.430 Financial assistance.
- 17.435 Employment assistance to students.
- 17.440 Health and insurance benefits and services.
- 17.445 Marital or parental status.
- 17.450 Athletics.
- 17.455 Textbooks and curricular material.

#### **Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited**

- 17.500 Employment.
- 17.505 Employment criteria.
- 17.510 Recruitment.
- 17.515 Compensation.
- 17.520 Job classification and structure.
- 17.525 Fringe benefits.
- 17.530 Marital or parental status.
- 17.535 Effect of state or local law or other requirements.
- 17.540 Advertising.
- 17.545 Pre-employment inquiries.
- 17.550 Sex as a bona fide occupational qualification.

#### **Subpart F—Procedures**

- 17.600 Notice of covered programs.
- 17.605 Enforcement procedures.
- 17.635 Forms and instructions; coordination.

AUTHORITY: Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); 5 U.S.C. 301; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688.

SOURCE: 68 FR 10892, Mar. 6, 2003, unless otherwise noted.

#### **Subpart A—Introduction**

##### **§ 17.100 Purpose and effective date.**

(a) The purpose of these Title IX regulations is to effectuate Title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments) (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688), which is designed to eliminate (with certain exceptions) discrimination on the basis of